

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JARROD McCAIN

Plaintiff,

v.

3:10-CV-766

**DIMON & BACORN, a New York
Corporation, MICHAEL SHAFER,
LENARD HAINES [*sic*],¹**

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

Plaintiff commenced this action alleging employment discrimination claims pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII") and the New York State Human Rights Law ("Human Rights Law"). Defendants move to dismiss the Title VII claims brought against the individual defendants – Michael Shafer and Lenard Haines. Plaintiff, through counsel, has responded and correctly acknowledged that, in the Second Circuit, “individuals are not subject to liability under Title VII.” Wrighten v. Glowski, 232 F.3d 119, 120 (2d Cir. 2000) (*per curiam*); see Tomka v. Seiler Corp., 66 F.3d 1295, 1313 (2d Cir.

¹Defendants assert that this individual’s name is Leonard Haines, Sr.,

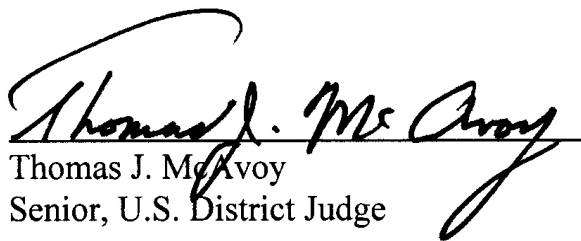
1995)(“We now hold that individual defendants with supervisory control over a plaintiff may not be held personally liable under Title VII.”), abrogated on other grounds by Burlington Indus. v. Ellerth, 524 U.S. 742, 118 S. Ct. 2257, 141 L. Ed.2d 633 (1998).

II. CONCLUSION

Therefore, Defendants’ motion, dkt. #10, is **GRANTED**, and all Title VII claims against Defendants Michael Shafer and Lenard Haines are **DISMISSED**.

IT IS SO ORDERED

DATED: January 14, 2011


Thomas J. McAvoy
Senior, U.S. District Judge